IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENTRUST, INC.,	)	
	)	
Plaintiff,	)	C.A. No.
	)	
v.	)	
	)	**JURY TRIAL DEMANDED**
OPEN SOLUTIONS INC.,	)	
	)	
Defendant.	)	

COMPLAINT FOR PATENT INFRINGEMENT, INDUCEMENT OF PATENT INFRINGEMENT, AND CONTRIBUTORY INFRINGEMENT

Plaintiff, Entrust, Inc. ("Entrust"), by its undersigned attorneys, for its Complaint against Open Solutions, Inc. ("Open Solutions") alleges as follows.

THE PARTIES

1. Entrust is a Maryland corporation having its principal place of business at One Hanover Park, 16633 Dallas Parkway, Suite 800, Addison, Texas 75001. Entrust is a global provider of software products and related services for securing digital identities and information. Enterprises and government agencies use Entrust solutions to help address security challenges and help customers achieve regulatory and corporate compliance.

2. Defendant Open Solutions is a corporation that sells and offers for sale software, data processing and security services for banks, thrifts, credit unions, and other financial service providers. Upon information and belief, Defendant is incorporated in Delaware with its principal place of business located at 455 Winding Brook Drive, Glastonbury, Connecticut 06033.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this Complaint for patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1400(b) because Open Solutions is incorporated in, and therefore resides in, the State of Delaware and this District, and because, on information and belief, Defendant's infringement has taken place, and continues to take place, in this District.

5. This Court has personal jurisdiction over Open Solutions by virtue of Open Solutions' Delaware residency and its past and continuing contacts with the State of Delaware.

COUNT ONE
(Direct Patent Infringement)

6. Plaintiff incorporates by reference, as if set forth fully herein, paragraphs 1-5, above.

7. Entrust is the owner of U.S. Patent No. 5,712,627 titled "Security System" issued on January 27, 1998 to J. Rodney Watts ("the '627 Patent"). A true and correct copy of the '627 Patent is attached hereto as Exhibit A.

8. Upon information and belief, Open Solutions is advertising and using a product, which it refers to as Security Matrix Two-Factor Authentication ("Security Matrix"), that uses the methods claimed in the '627 Patent.

9. Open Solutions makes, uses, sells and offers for sale the above-described Security Matrix, which constitutes direct infringement of the '627 Patent pursuant to 35 U.S.C. § 271(a).

10. Open Solutions has knowledge of the '627 Patent and has knowingly and willfully engaged in infringing conduct.

11. As a direct and proximate result of Open Solutions' direct infringement of the '627 Patent, Entrust has been and continues to be injured, and has sustained and will continue to sustain substantial damages in an amount not presently known.

12. Unless enjoined, Open Solutions' direct infringement of the '627 Patent will continue to cause Entrust irreparable harm.

COUNT TWO
(Inducement of Patent Infringement)

13. Plaintiff incorporates by reference, as if set forth fully herein, paragraphs 1-12, above.

14. Upon information and belief, Open Solutions advertises and offers the above-described Security Matrix to its customers and potential customers, such as banks, credit unions, and other financial institutions. Open Solutions encourages them to use the Security Matrix product, instructs them in the use of this product, and provides them with this two-factor authentication product with the knowledge that it will be utilized by the financial institutions and their customers. In this manner, the financial institutions and the customers of those financial institutions directly infringe the '627 Patent.

15. Open Solutions' conduct constitutes active inducement of the infringement of the '627 Patent pursuant to 35 U.S.C. § 271(b).

16. As a direct and proximate result of Open Solutions' active inducement of the infringement of the '627 Patent, Entrust has been and continues to be injured, and has sustained and will continue to sustain substantial damages in an amount not presently known.

17. Unless enjoined, Open Solutions' active inducement of the infringement of the '627 Patent will continue to cause Entrust irreparable harm.

COUNT THREE
(Contributory Patent Infringement)

18. Plaintiff incorporates by reference, as if set forth fully herein, paragraphs 1-17, above.

19. As stated in the above paragraphs, upon information and belief, Open Solutions sells its Security Matrix to its customers with full knowledge of the '627 Patent. Open Solutions' conduct constitutes contributory infringement of the '627 Patent pursuant to 35 U.S.C. § 271(c).

20. As a direct and proximate result of Open Solutions' contributory infringement of the '627 Patent, Entrust has been and continues to be injured, and has sustained and will continue to sustain substantial damages in an amount not presently known.

21. Unless enjoined, Open Solutions' contributory infringement of the '627 Patent will continue to cause Entrust irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, Entrust respectfully requests that this Court:

A. Enter judgment that the '627 Patent is valid and enforceable and that Open Solutions' Security Matrix has directly infringed and is directly infringing the '627 Patent;

B. Enter judgment that by advertising and offering its Security Matrix product to its customers and potential customers, encouraging its customers and potential customers to use that method, instructing its customers in the use of that method, and providing its customers that method so they may in turn provide it to others, including their respective customers, Open Solutions has induced and is inducing the infringement of the '627 Patent;

C. Enter judgment that by selling its Security Matrix product to its customers with full knowledge of the '627 Patent, Open Solutions has contributed and is contributing to the infringement of the '627 Patent;

D. Award Entrust damages, together with prejudgment interest, pursuant to 35 U.S.C. § 284, due to Open Solutions' direct infringement of the '627 Patent, inducement of infringement of the '627 Patent, and contributory infringement of the '627 Patent;

E. Enjoin Open Solutions, its officers, agents, servants, employees and all other persons, firms or corporations acting in concert or participation with it, from advertising, making, using, offering for use, offering for sale, or selling any or all goods and services which infringe the '627 Patent, during the pendency of this action and permanently thereafter;

F. Adjudge Open Solutions' infringement willful, and award Entrust treble damages pursuant to 35 U.S.C. § 284;

G. Declare this case exceptional and award Entrust its attorneys' fees and costs expended in this action pursuant to 35 U.S.C. § 285; and

H. Award such other and further relief as this Court deems proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b) and Local Rule 38.1, Plaintiff hereby respectfully demands a jury trial on all issues raised by the claims herein and triable of right by a jury.

Frederick L. Cottrell III (#2555)
cottrell@rlf.com
Gregory E. Stuhlman (#4765)
stuhlman@rlf.com
Richards, Layton & Finger P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
Tel: (302) 651-7700
Fax: (302) 651-7701
Attorneys for Plaintiff Entrust, Inc.

OF COUNSEL:
Terence P. Ross
Amy B. Altshul
Michael D. Billok
GIBSON DUNN & CRUTCHER
1050 Connecticut Avenue, N.W., Suite 200
Washington, DC 20036
Tel: (202) 955-8500
Fax: (202) 467-0539

DATED: February 21, 2007

EXHIBIT A

US005712627A

United States Patent [19]

Watts

[11] Patent Number: 5,712,627

[45] Date of Patent: Jan. 27, 1998

[54] **SECURITY SYSTEM**

[75] Inventor: **J. Rodney Watts**, Kingsport, Tenn.

[73] Assignee: **Eastman Chemical Company**, Kingsport, Tenn.

[21] Appl. No.: **423,479**

[22] Filed: **Apr. 19, 1995**

[51] Int. Cl.[6] **G07D 7/00**; G06F 7/04; G06K 5/00

[52] U.S. Cl. **340/825.34**; 340/825.31; 235/380; 235/382

[58] Field of Search 340/825.34, 825.31; 235/382, 380

[56] **References Cited**

U.S. PATENT DOCUMENTS

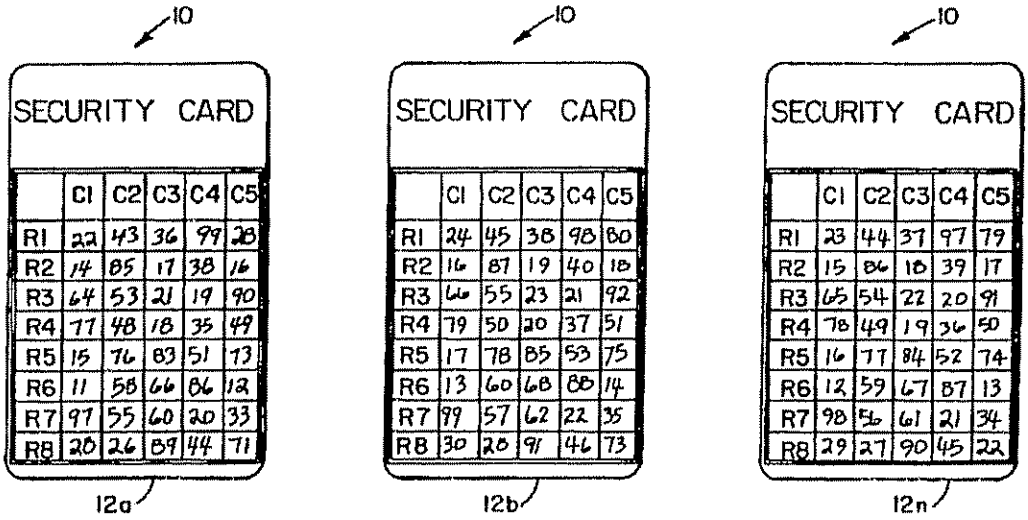
3,569,619	3/1971	Simjian	
3,593,292	7/1971	Scott	
4,184,148	1/1980	Smagala-Rommoff	
4,288,780	9/1981	Theodoru et al	340/146.3
4,445,712	5/1984	Smagala-Rommoff	
4,528,442	7/1985	Endo	
4,529,870	7/1985	Chaum	
4,750,201	6/1988	Hodgson et al	379/144
5,239,583	8/1993	Porrillo	380/23
5,246,375	9/1993	Goede	
5,465,084	11/1995	Cottrell	340/825.31

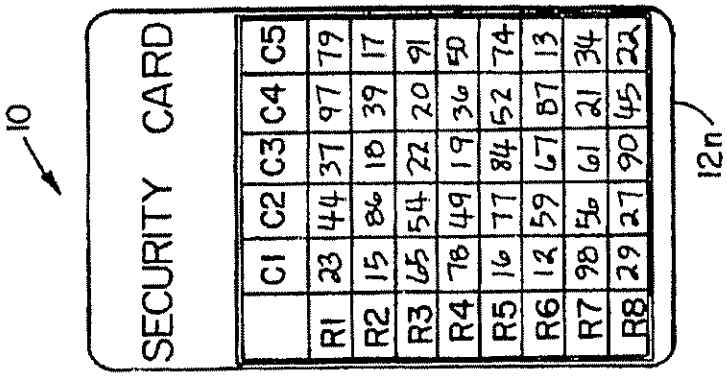
Primary Examiner—Michael Horabik
Assistant Examiner—Anthony A. Asongwed
Attorney, Agent, or Firm—Charles R. Martin; Harry J. Gwinnell

[57] **ABSTRACT**

A security system is for determining whether a person has possession of an issued identification card. The system includes a plurality of identification cards. Each one of the issued cards has a plurality of addressable positions. Each one of the addressable positions having an indicium. Each one of a plurality of authorized persons is assigned a corresponding one of the identification cards. The indicium at one of the addressable positions on one of the assigned cards being different from the indicium at the same one of the addressable positions on another one of the assigned cards. In a preferred embodiment of the invention, the addressable positions are arranged in a matrix of rows and columns. The indicium at each of the addressable positions of one of the assigned cards is different from the indicium at each of the addressable positions of the other ones of the assigned cards. The method for determining whether a person seeking access is authorized to obtain the requested access includes the steps: (a) distributing each one of the identification cards to a corresponding one of a plurality of authorized users; (b) optionally assigning a different password to a corresponding one of the plurality of authorized persons; (c) requesting of a person seeking access to identify themselves, provide the indicium at a specified one of the addressable positions on the card assigned to the identified person. If the indicium matches that assigned to the person seeking access, access is granted; otherwise access is denied. A password may also be assigned to authorized persons.

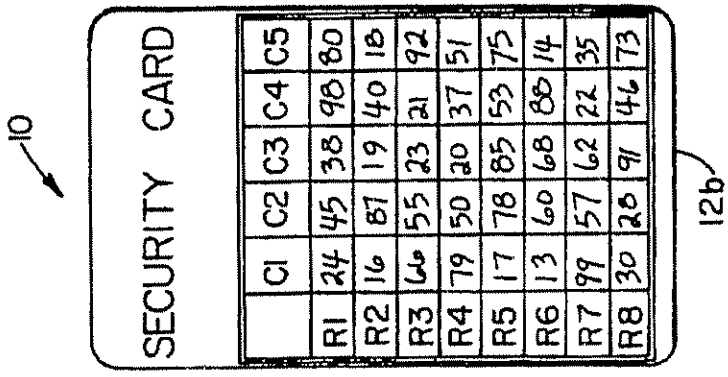
5 Claims, 1 Drawing Sheet





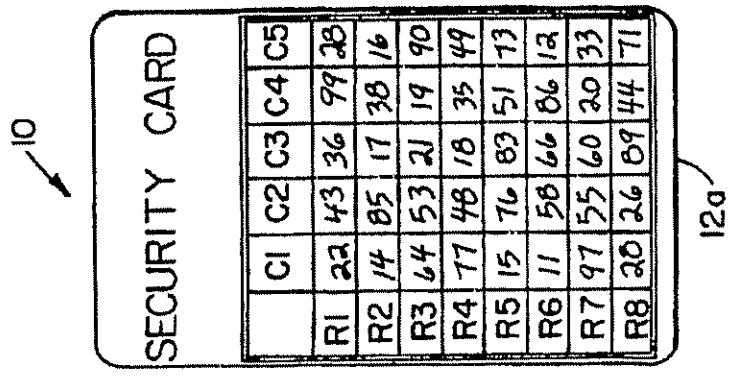
	C1	C2	C3	C4	C5
R1	23	44	37	97	79
R2	15	86	18	39	17
R3	65	54	22	20	91
R4	78	49	19	36	50
R5	16	77	84	52	74
R6	12	59	67	87	13
R7	98	50	61	21	34
R8	29	27	90	45	22

Fig. 1c



	C1	C2	C3	C4	C5
R1	24	45	38	90	80
R2	16	87	19	40	18
R3	60	55	23	21	92
R4	79	50	20	37	51
R5	17	78	85	53	75
R6	13	60	68	80	14
R7	99	57	62	22	35
R8	30	20	91	46	73

Fig. 1b



	C1	C2	C3	C4	C5
R1	22	43	36	99	28
R2	14	85	17	38	16
R3	64	53	21	19	90
R4	77	48	18	35	49
R5	15	76	83	51	13
R6	11	58	66	86	12
R7	97	55	60	30	33
R8	20	26	89	44	71

Fig. 1a

SECURITY SYSTEM

BACKGROUND OF THE INVENTION

This invention relates generally to security systems and more particularly to systems which enable the identification of an individual for security purposes. Still more particularly, the invention relates to a device that assists in identifying an individual when visual contact is not possible or practical.

As is known in the art, some security systems use identification cards for determining whether a person desiring access to such things as a computer, long distance carrier, or building is, in fact, a person authorized to have such access. In one type of such security system, persons authorized to have access are given a so called "smart card". Such "smart card" typically contains a card identification number, a battery, a display window, a computing device, and a timing device. A corresponding central computer contains programming which generates the same information at the same time as the "smart card". That is, the two computing devices stay in synchronization with each other so that at any given point in time, the "smart card" will display exactly the same data as the central computer. The authorized person is typically also issued a password, or personal identification number (PIN) which is to be memorized by the person authorized to have possession of the identification card. When access is desired, the "smart card" holder conveys his/her card identification number, PIN number, and the data found in the "smart card" display window. If this information matches exactly the information in the central computer, access is granted; otherwise access is denied. The problem with "smart card" technology is that "smart cards" are relatively expensive, bulky and over time, tend to drift (i.e. the timing device gets out of sync with the timing device of the central computer). In other, less expensive, non-smart, security systems, the user is given a card with an identification number printed on the card. Such identification card may be a telephone calling card, for example. The person is also given a personal identification number. While such arrangement provides some form of protection, when the person in possession of such card is at a telephone, for example, and dials, i.e., punches, a number to be called followed by a fixed calling card number, followed by a fixed personal identification number, an unscrupulous observer of the caller is able to determine the calling card number and the personal identification thereby enabling unauthorized placement of phone calls, for example. In addition, telephone lines and computer lines can be "tapped", thus allowing an unscrupulous person to obtain the calling card number and the PIN number of the person placing the call. The fixed calling card number and PIN number are at even greater risk of being discovered when wireless devices (such as cellular phones) are used.

SUMMARY OF THE INVENTION

In accordance with the present invention a security system is provided for determining whether a person has possession of an issued identification card. The system includes a plurality of identification cards. Each one of the issued cards has a plurality of addressable positions. Each one of the addressable positions having an indicium. Each one of a plurality of authorized persons is assigned a corresponding one of the identification cards. The indicium at one of the addressable positions on one of the assigned cards is different from the indicium at the same one of the addressable positions on another one of the assigned cards.

In a preferred embodiment of the invention, the addressable positions are arranged in a matrix of rows and columns. The indicium at each of the addressable positions of one of the assigned cards is different from the indicium at each of the addressable positions of the other ones of the assigned cards.

The method for determining whether a person seeking access is authorized to obtain the requested access includes the steps: (a) distributing each one of the identification cards to a corresponding one of a plurality of authorized users; (b) requesting of a person seeking access to identify themselves, provide the indicium at a specified one of the addressable positions on the card assigned to the identified person. If the indicium matches that assigned to the identified person, access is granted; otherwise access is denied. Optionally, a different password may be assigned to a corresponding one of the plurality of authorized persons. In such case, the person seeking access may be asked for the password in addition to the indicium. Thus, while the security card may be effectively utilized without a password, an accompanying password is recommended. Adequate security dictates that two elements need to be present for proper authentification: 1) something the authorized person knows (i.e. their password) and 2) something the authorized user possesses (i.e. the security device). The password may be an integral part of an organization's (requester/caretaker) existing security or a password may be assigned at the time the security device is issued.

BRIEF DESCRIPTION OF THE DRAWINGS

FIGS. 1*a*–1*c* show a plurality of identification cards used in the security system according to the invention.

DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now the FIGURE, a security system **10** for determining whether a person seeking access to a secured system, such as a computer, telephone long distance carrier, or building is authorized to obtain such access. The system **10** includes a plurality of identification, or Security cards **12***a*–**12***n*. Each one of the cards **12***a*–**12***n* has a plurality of addressable positions, here arranged in rows R_1–R_m and columns C_1–C_n. In the example shown in FIG. **1**, m=8 and n=5. Thus, the cards **12***a*–**12***n* here have 40 addressable positions. Each one of the addressable positions has a row address R_1–R_m and a column address C_1–C_n. Each one of the addressable positions R_1,C_1–R_m,C_n has an indicium, here a two digit number. Each person allowed access is assigned a corresponding one of the identification cards **12***a*–**12***n*. The proposed identification cards **12***a*–**12***n* are printed cards with indicia randomly selected by a computer system. The authorized person may also be given, or have a preassigned, password and an existing identification number, such as an employee number or a telephone calling card number to identify the person issued the identification card. The organization (requester/caretaker) issuing the cards will determine if: 1) no password is to be used, 2) a password is to be given to the authorized person to memorize at the time of issuance of one of the identification cards **12***a*–**12***n*, and/or 3) integrate the identification cards **12***a*–**12***n* into the existing security system in order to provide an additional layer of security protection (i.e. person also has in their possession the issued security card).

Each one of the identification cards **12***a*–**12***n* has different indicia in the addressable positions. The indicium at one of the addressable positions on one of the assigned cards is

different from the indicium at the same one of the addressable positions on another one of the assigned cards. To put it another way, the two digit number at any row, column position on one of the identification cards **12***a*–**12***n* is different from the two digit number at the same row, column position on all of the other cards **12***a*–**12***n*. Thus, considering card **12***a*, **12***b* and **12***n*, the number at position R_3,C_4 on card **12***a* is **19** while on card **12***b* and **12***n* the numbers at the same position R_3,C_4 are **21** and **20**, respectively, as shown. Thus, generally, each identification card **12***a*–**12***n* has a unique pattern of indicia.

After having been issued one of the identification cards, a determination can be made as to whether a person requesting access is authorized. The system **10** makes such determination by two criterion: (1) Does the person seeking access know something they should know (i.e., the assigned password); and. (2) Does the person seeking access have something they should have (i.e., the unique identification card issued to that person) ? More particularly, the person requesting access is asked for an identification number, typically the person's employee number or calling card number, for example, to identify the person seeking access to the requestor/caretaker (which may be a computer system). If a person is authorized to have access, the first criterion is evaluated by requesting the identified person's preassigned, memorized password. If the password matches with the identified person's password, then the second criterion is evaluated. Thus, the person seeking access is next asked for the indicium at a specified, randomly chosen one of the, here 40 addressable positions (i.e, at one of the row, column addressable positions on the card) to determine whether the identified person has in their possession their assigned identification card.

For example, let if be assumed that person A is authorized to have access to the secured system, but another, unauthorized person X, has previous learned of A's identification number (i.e., employee number or bank account number). Let it also be assumed that person X previously overheard, or saw, person A punching in his/her password and as a result, now knows person A's password. Therefore, when person X seeks access, he/she is able to give the proper identification number and password for person A upon questioning by the requestor/caretaker. If person A has been assigned card **12***b* and retains possession of his/her assigned card, here card **12***b* for example, then person A will be in a position to give a proper response to the requestor in control of the access. Upon giving the requestor the proper two digit number, access is granted. However, if person X does not have possession of card **12***b* previously issued to person A, person X will not likely know the correct one of the here 40 indicium at the requested address. For example, if the requestor asks for the number at row R_1 and column C_5, person X will in high likelihood not be able to respond with the number **89** at the address R_1,C_5 for card **12***b*. Therefore, person X will not respond to the requested address properly and his/her access will be denied.

Other embodiments are within the spirit and scope of the appended claims. For example, while the addressable positions are here arranged in a matrix of rows and columns other arrangements may be used. Further, while the indicia are here two digit numbers, numbers of more, or less, digits may be used, or, alternatively, a combination of numbers, letters, and/or other symbols may be used. Still further, while preferably the indicium at any addressable position on one card is different from the indicium at the same addressable position on all the other cards, such condition is not required as long as there are a sufficiently large number of cards having different indicium at the same addressable position to achieve the desired degree of security.

What is claimed is:

1. A method for determining whether a person seeking access is authorized to obtain the requested access comprising the steps of

(A) distributing each of a plurality of identification cards to a corresponding person of a plurality of persons, each one of the cards having a plurality of addressable positions, each one of the addressable positions having an indicium, each one of the plurality of identification cards being assigned to a corresponding one of the plurality of persons, the indicium at one of the addressable positions on one of the assigned cards being different from the indicium at the same one of the addressable positions on another of the assigned cards.

(B) making a first request that a person seeking access identify themselves by providing the indicium at a first addressable position on the card assigned to that person,

(C) allowing a first access to the person if the indicium at the first addressable position on the card assigned to that person matches that assigned to the person,

(D) making a second request that the person identify themselves by providing the indicium at a second addressable position on the card assigned to that person, and

(E) allowing a second access to the person if the indicium at the second addressable position on the card assigned to that person matches that assigned to the person.

2. The method of claim **1** wherein the addressable positions are arranged in a matrix of rows and columns and wherein the person seeking access is asked to identify the indicium at the position identified by one of the rows and one of the columns.

3. The method of claim **1** wherein the indicium at each of the addressable positions on one of the assigned cards is different from the indicium at each of the addressable positions on the other assigned cards.

4. The method of claim **1** further including the steps of

(F) assigning a password to each person of the plurality of persons, and

(G) requesting that the person seeking access provide the password.

5. A method for determining whether a person seeking access is authorized to obtain the requested access comprising the steps of

(A) distributing each of a plurality of identification cards to a corresponding person of a plurality of persons, each one of the cards having a plurality of addressable positions arranged in a matrix of rows and columns, each one of the addressable positions having an indicium, each one of the plurality of identification cards being assigned to a corresponding one of the plurality of persons, the indicium at one of the addressable positions on one of the assigned cards being different from the indicium at each of the addressable positions on another of the assigned cards.

(B) assigning a different password to each person of the plurality of persons,

(C) making a first request that a person seeking access identify themselves by providing their password and the indicium at a first addressable position on the card assigned to that person, the first addressable position identified by one of the rows and one of the columns,

(D) allowing a first access to the person if the password matches that assigned to the person and the indicium at the first addressable position on the card assigned to that person matches that assigned to the person.

(E) making a second request that the person identify themselves by providing their password and the indicium at a second addressable position on the card assigned to that person, the second addressable position identified by one of the rows and one of the columns, and

(F) allowing a second access to the person if the password matches that assigned to the person and the indicium at the second addressable position on the card assigned to that person matches that assigned to the person

* * * * *

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I.(a) PLAINTIFF
Entrust, Inc.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U S PLAINTIFF CASES)

DEFENDANT
Open Solutions Inc.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Frederick L. Cottrell, III
Gregory E. Stuhlman
Richards, Layton & Finger
One Rodney Square - P O Box 551
Wilmington, DE 19899
(302) 651-7700

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U S Government Not a Party)
☐ 2 U S Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business in This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

VI ORIGIN (PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding | ☐ 2 Removed from State Court | ☐ 3 Remanded from Appellate Court | ☐ 4 Reinstated or Reopened | ☐ 50 Transferred from another district (specify) | ☐ 6 Multidistrict Litigation | ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (excl Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholder's Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Eject
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/ Accommodations
☐ 444 Welfare
☐ 440 Other Civil Rights

PERSONAL INJURY
☐ 362 Personal Injury - Med. Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth In Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence
Habeas Corpus:
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl Ret Inc Security Act

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☒ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS - Third Party 26 USC 7609

OTHER STATUTES

VI. CAUSE OF ACTION (CITE THE U S CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVE

Action under patent laws for infringement and damages, 35 U.S.C. §1 et seq.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A ☐ Under F.R.C.P. 23 **CLASS ACTION** **DEMAND $** CHECK YES only if demanded in complaint: **JURY DEMAND:** X YES __ NO

VIII. RELATED CASE(S) (See instructions): **IF ANY**

DATE February 21, 2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT #_____ AMOUNT ____ APPLYING IFP____ JUDGE _____ MAG JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed The attorney filing a case should complete the form as follows:

I. **(a) Plaintiffs - Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title

(b) County of Residence For each civil case filed, except U S plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing In U S plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved)

(c) Attorneys Enter firm name, address, telephone number, and attorney of record If there are several attorneys, list them on an attachment, noting in this section "(see attachment)"

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8 (a), F R C P , which requires that jurisdictions be shown in pleadings Place an "X" in one of the boxes If there is more than one basis of jurisdiction, precedence is given in the order shown below

United States plaintiff (1) Jurisdiction is based on 28 U S C 1345 and 1348 Suits by agencies and officers of the United States are included here

United States defendant (2) When the plaintiff is suing the United States, its officers or agencies, place an X in this box

Federal question (3) This refers to suits under 28 U S C 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States In cases where the U S is a party, the U S plaintiff or defendant code takes precedence, and box 1 or 2 should be marked

Diversity of citizenship (4) This refers to suits under 28 U S C 1332, where parties are citizens of different states When Box 4 is checked, the citizenship of the different parties must be checked (See Section III below; federal question actions take precedence over diversity cases)

III. **Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above Mark this section for each principal party

IV. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause

V. **Nature of Suit.** Place an "X" in the appropriate box If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit If the cause fits more than one nature of suit, select the most definitive

VI. **Origin.** Place an "X" in one of the seven boxes

Original Proceedings (1) Cases which originate in the United States district courts

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U S C , Section 1441 When the petition for removal is granted, check this box

Remanded from Appellate Court (3) Check this box for cases remanded to the district court for further action Use the date of remand as the filing date

Reinstated or Reopened (4) Check this box for cases reinstated or reopened in the district court Use the reopening date as the filing date

Transferred from Another District (5) For cases transferred under Title 28 U S C Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers

Multidistrict Litigation (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U S C Section 1407 When this box is checked, do not check (5) above

Appeal to District Judge from Magistrate Judgment (7) Check this box for an appeal from a magistrate's decision

VII. **Requested in Complaint.** Class Action Place an "X" in this box if you are filing a class action under Rule 23, F R C P

Demand In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction

Jury Demand Check the appropriate box to indicate whether or not a jury is being demanded

VIII. **Related Cases.** This section of the JS-44 is used to reference relating pending cases if any If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases

Date and Attorney Signature. Date and sign the civil cover sheet
(rev 07/89)

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 FEB 21 AM 9:44

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07-98

ACKNOWLEDGMENT OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

FEB 21 2007
(Date forms issued)

(Signature of Party or their Representative)

Louis Matos
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action